

JAN 28 2008

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ROBIN LORENZO THOMAS,

Plaintiff - Appellant,

v.

MARICOPA COUNTY JAIL; et al.,

Defendants - Appellees.

No. 06-15849

D.C. No. CV-05-02189-DGC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Arizona  
David G. Campbell, District Judge, Presiding

Submitted January 14, 2008<sup>\*\*</sup>

Before: HALL, O'SCANNLAIN, and PAEZ, Circuit Judges.

Robin Lorenzo Thomas, an Arizona state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that prison officials violated his Eighth, Fourteenth, and First Amendment rights. We

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

have jurisdiction under 28 U.S.C. § 1291. We review for abuse of discretion a dismissal for failure to follow a court order, *Pagtalunan v. Galaza*, 291 F.3d 639, 640 (9th Cir. 2002), and the denial of a motion to reopen the judgment, *Weeks v. Bayer*, 246 F.3d 1231, 1234 (9th Cir. 2001). We affirm.

The district court did not abuse its discretion by dismissing Thomas' action for failure to comply with its order to file an amended complaint where Thomas did not respond to the order for almost three months after receiving it. *See Pagtalunan*, 291 F.3d at 642-43.

The district court did not abuse its discretion by declining to reopen or reconsider the judgment because Thomas did not demonstrate grounds for relief. *See School Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5 F.3d 1255, 1263 (9th Cir. 1993) (describing elements of relief under Fed. R. Civ. P. 59(e) and 60(b)).

**AFFIRMED.**